

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

New York Presbyterian Hospital

Case 02-RC-130192

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

New York Presbyterian Hospital, the Employer herein, a not-for-profit New York State acute care hospital, and a health care institution within the meaning of Section 2(14) of the Act, has an office and place of business located at 622 West 168th Street, New York, NY, and a facility at 5141 Broadway, New York, NY, and various ambulatory care centers, the only facilities involved herein, and is engaged in the business of providing health care services. Annually, in the course and conduct of its business operations, the Employer derives gross revenues in excess of \$250,000, and purchases and receives at its New York, NY, facility goods and materials valued in excess of \$5,000 directly from suppliers located outside the State of New York.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

The Special And Superior Officers Benevolent Association is qualified to represent the unit within the meaning of Section 9(b)(3) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: July 17, 2014

HOURS: 5:00 a.m. to 9:00 a.m. and
1:30 p.m. to 6:00 p.m.

PLACE: The Columbia Security Muster Room on the 2nd floor of New York Presbyterian Hospital located at 622 West 168th Street, New York, NY.

Employees who work for the Employer at New York Presbyterian Hospital at 622 West 168th Street and at the ambulatory care centers will vote at Poll 1.

DATE: July 17, 2014

HOURS: 5:00 a.m. to 9:00 a.m. and
1:30 p.m. to 6:00 p.m.

PLACE: The Department of Medicine Conference Room on the 3rd floor at
Allen Hospital located at 5141 Broadway NY, NY.

Employees who work for the Employer at Allen Hospital will vote at Poll 2.

Employees who do not appear at the designated poll may vote subject to challenge.

Ballots will be commingled and counted at Poll 1 at 6:30 p.m., or as soon thereafter as practicable.

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time guards employed by the Employer at its Columbia University Medical Center campus and its ambulatory care network, including Security Officers, Security Receptionists, Senior Security Officers, Security Chauffeurs, Patient Security Liaisons.*

EXCLUDED: All other employees, including sergeants, business assistants, coordinator-security systems, staff assistants, system analysts-security, and office clerical employees, managerial employees and professional employees, and supervisors as defined in the Act.

*Inasmuch as the parties cannot agree on whether employees in the classification hospital security locksmith should be included in or excluded from the bargaining unit, employees in the classification of hospital security locksmiths may vote subject to challenge.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending June 8, 2014**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. ELECTION ELIGIBILITY LIST. Within seven (7) days after the Regional Director has approved this Agreement, the Employer shall provide to the Regional Director an election eligibility list containing the full names and addresses of all eligible voters. *Excelsior Underwear*,

Inc., 156 NLRB 1236 (1966); *North Macon Health Care Facility*, 315 NLRB 359 (1994). The Employer shall provide a separate election eligibility list for each location. Employees are expected to vote at the location to which they are assigned. Employees who vote at another location may do so subject to challenge.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of any voters or potential voters who only read a language other than English.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by SPECIAL AND SUPERIOR OFFICERS BENEVOLENT ASSOC.?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer will post copies of the Notice of Election in conspicuous places and usual posting places easily accessible to the voters at least three (3) full working days prior to 12:01 a.m. of the day of the election. As soon as the election arrangements are finalized, the Employer will be informed when the Notices must be posted in order to comply with the posting requirement. Failure to post the Election Notices as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

10. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

11. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

12. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

NEW YORK PRESBYTERIAN HOSPITAL

(Employer)

SPECIAL AND SUPERIOR OFFICERS
BENEVOLENT ASSOCIATION

(Petitioner)

By _____
(Name) (Date)

By Arturo Uceda 6/23/2014
(Name) (Date)

(Union)

Recommended: Stephen L. Berger 6/25/14
STEPHEN L. BERGER, Field Examiner
(Date)

By _____
(Name) (Date)

Date approved: _____

Loren P. Kunkel 6/25/14
, Regional Director, Region 02
National Labor Relations Board

by Robert F. Dillon, AFD

NEW YORK PRESBYTERIAN HOSPITAL

(Employer)

By

(Name)

(Date)

SPECIAL AND SUPERIOR OFFICERS
BENEVOLENT ASSOCIATION

(Petitioner)

By

(Name)

(Date)

Recommended:

STEPHEN L. BERGER, Field Examiner
(Date)

Date approved:

, Regional Director, Region 02
National Labor Relations Board

by Ernest F. Tiller, A.R.D.

(Union)

By

(Name)

(Date)